

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 12-28 are presently active in this case. The present Amendment amends Claim 24; and adds Claims 24-28.

The outstanding Office Action rejected Claims 12, 14-16, 18 and 23 under 35 U.S.C. § 103(a) as unpatentable over JP-2003-337930 in view of Vock et al. (U.S. Patent Publication No. 2007/0111753). Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP-2003-337930 in view of DiBenedetto et al. (U.S. Patent No. 7,188,439). Claims 12-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over DiBenedetto et al. in view of Vock et al.

In order to clarify Applicant's invention, independent Claim 12 is amended to recite that the acceleration signals outputted by the accelerometer enable determining instants of impact of the second shoe, and wherein the instants of impact are taken into account for calibrating in time a dynamic measurement of a distance between shoes. These features find support in the disclosure as originally filed, for example from page 5, line 24 to page 6, line 6 and at page 12, lines 19-25 and in Figs. 1-3. In order to vary the scope of protection recited in the claims, new dependent Claims 24-28 are added. New Claims 24-28 find non-limiting support in the disclosure as originally filed, for example from page 5, line 24 to page 6, line 6 and at page 12, lines 19-25 and in Figs. 1-3. Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>1</sup>

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<sup>1</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

In response to the rejections of the claims under 35 U.S.C. §103(a), and in light of the present Amendment, Applicant respectfully requests reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in amended Claim 12, relates to a stride monitoring device that includes a first shoe with a magnetic mass, and a second shoe with a magnetometer for measuring a magnetic field produced by the magnetic mass in the first shoe and for outputting magnetic field signals based on the measured magnetic field produced by the magnetic mass in the first shoe. The magnetic field signals can be processed to determine stride parameters. The second shoe also includes at least one accelerometer for measuring an acceleration and for outputting acceleration signals based on the measured acceleration. *The acceleration signals outputted by the accelerometer enable determining instants of impacts of the second shoe, wherein the instants of impacts are taken into account for calibrating in time a dynamic measurement of a distance between shoes.*

Applicant respectfully submits that the present Amendment overcomes the rejections of Claim 12 over JP-2003-337930 in view of Vock et al., and over DiBenedetto et al. in view of Vock et al., for the following reasons. In Vock et al., the accelerometer-based device 524 (discussed at paragraph [0301]) has the function of supplementing the GPS device 522 in order to improve the accuracy of the measured speed and/or distance (see Vock et al. paragraph [0301], lines 18-19). By contrast, amended Claim 12 requires that the acceleration signals outputted by the accelerometer enable determining instants of impacts of the second shoe, wherein the instants of impacts are taken into account for calibrating in time a dynamic measurement of a distance between shoes.

All claim limitations must be considered when analyzing the non-obviousness of an invention.<sup>2</sup> In the present case, even if the combinations of JP-2003-337930 with Vock et al.,

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<sup>2</sup> See MPEP 2143.03

and of DiBenedetto et al. with Vock et al., are assumed to be proper, the combinations fail to disclose the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these references.

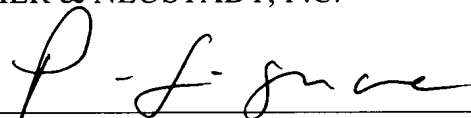
The applied combinations of references also fail to disclose, or render obvious, the features recited in the dependent claims, in combination with those of Claim 12. For example, the applied combinations of references fail to disclose, or render obvious, the features of Claims 24-28.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 12-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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